

REMARKS

Claims 1-16 are pending. Claims 6-10 and 16 are withdrawn from consideration in the present application. Claim 1 is amended herein. Claim 2 is canceled herein without prejudice. Claim 16 is withdrawn from consideration in the present application and is canceled herein without prejudice. Claims 17 and 18 are new. Accordingly, instant claims 1, 3-5, 11-15, 17, and 18 are currently under consideration.

Support for amendments to the claims is found throughout the specification and in the original claims. Support for amendment to claim 1 is found, for example, in original claim 2 and at page 6, lines 17-20. No issue of new matter is hereby incorporated herein.

Support for new claims 17 and 18 is found throughout the specification and in the original claims. Support for new claims 17 and 18 is found, for example, in original claim 1 and at page 4, line 21 through to page 5, line 2; at page 9, lines 8-15; and at page 14, lines 1-12. No issue of new matter is hereby incorporated herein.

In light of the amendment to the claims, the Examiner is respectfully requested to reconsider withdrawal of claims 6-10 from consideration in the present application. The instant claims are directed to a method for treating congestive heart failure in a mammal as recited, e.g., in independent claim 1. Accordingly, the claims relate to treating congestive heart failure and it is to this generic or linking concept that the instant claims are directed. The underlying cause(s) of the congestive heart failure do not alter the recited generic or linking aspect of the claims. Reconsideration and examination of claims 6-10 are requested.

Priority

The first line of the specification is amended herein to update the status of priority application United States Serial Number 09/298,121, which is now United States Patent Number 6,635,249.

Specification

In accordance with the Examiner's request, the application has been reviewed for spelling errors, the use of trademarks, embedded hyperlinks and/or other forms of

browser-executable code. Applicant believes that the application is free of such errors and informalities.

Claim Objections

Claim 2 is objected to for reciting “SEQ ID NO: 2 of WO 97/09425”. Claim 2 is canceled herein, thereby obviating any objection to this claim.

Rejections under 35 USC § 112

Claims 1-5 and 11-15 have been rejected under 35 USC § 112, first paragraph, for containing subject matter which is allegedly not enabled by the specification. Claim 1 is amended and claim 2 is canceled herein. Applicant greatly appreciates the Examiner’s suggestion for amending the claims in order to expedite prosecution and move the claims to allowance. Pursuant to these amendments Applicant submits that claims 1-5 and 11-15, are in condition for allowance.

In accordance with the above, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under U.S.C. § 112, first paragraph.

Fees

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. Allowance of all claims at an early date is solicited.

In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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Enclosures: Petition for a Three-Month Extension of Time